

## **ARTICLE 13.00 PERFORMANCE AND DESIGN STANDARDS**

### **13.01 Purpose and Intent**

The purpose of this Article is to establish regulations and standards for the design, construction and operation of residential, industrial, commercial, community facility uses, based upon consideration of the objectionable characteristics of such uses and the districts in which they are permitted.

In all districts, as indicated in each respective district, any permitted use or any conditional use and every building or structure or tract of land that is established, developed, or constructed shall comply with each and every performance and design standard contained herein.

When any use or building or other structure is extended, enlarged, or reconstructed after the effective date of this Ordinance, the applicable performance and design standards shall apply to such extended, enlarged, or reconstructed portion or portions of such use of building or other structure.

The provisions of this Article shall apply notwithstanding the issuance after the effective date of this Ordinance of any zoning permit or use and occupancy permit.

Performance and design standards are not applicable to the temporary construction, excavation, grading and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, on another of several zone lots being developed at the time, or on the public right-of-way or easement for a community facility activity.

In the case of any conflict between the activity type and the performance and design standards, the latter shall control. In the case of any conflict between the performance and design standards set forth herein and any rules and regulations adopted by other governmental agencies, the more restrictive shall apply.

### **13.02 Performance Standards Regulations**

The following performance standard regulations shall apply to all uses of property as indicated in each respective district:

#### **13.02.010 Prohibition of Dangerous or Objectionable Elements**

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely effect the surrounding area of adjoining premises (referred to herein as "dangerous or objectionable elements"); provided, that any use permitted or not expressly prohibited by this Ordinance may be undertaken and maintained if it conforms to the regulation of this Article limiting dangerous and objectionable elements at the point of the determination of their existence.

#### **13.02.020 Performance Standards Regulating Noise**

A. Definitions - For the purpose of this Article, the following terms shall apply:

1. Decibel: a unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference pressure of 0.00002 microbars. It is abbreviated as DB.
2. Frequency: the number of times that a sound pressure fluctuation completely repeats itself in one second of time. Frequency is designated in cycles per second and is abbreviated c.p.s.
3. Impact Noise Analyzer: an instrument to measure the peak sound pressure of an impact sound.
4. Impact Sound: a sound produced by two or more objects (or parts of a machine) striking each other, so as to be heard as separate distinct noises.
5. Noise: a subjective description of an undesirable or unwanted sound.
6. Octave Band: a band of frequencies in which the upper limit of the band is twice the lower limit.

Preferred Frequency Octave Band: these octave bands are replacing the pre-1960 octave bands. The Preferred Frequency Bands are designated by a single number which corresponds to their geometric center frequency. Nine octave bands cover the entire range of frequencies of interest of industrial noise and are described in United States America Standard Institute (USASI) Standard Number SI.6-1960.

7. Octave Band Analyzer: an instrument to measure octave band composition of a noise by means of bandpass filters. It shall meet all requirements of the USASI and shall be calibrated for use with Preferred Frequencies.
  8. Overall Sound Level: total sound pressure level in the entire frequency spectrum between 20 and 20,000 c.p.s.
  9. Sound: rapid fluctuations of atmospheric pressure which are audible to persons.
  10. Sound Level Meter: an instrument to measure the overall sound level. It shall comply with applicable specifications of the USASI.
  11. Steady State: a noise or vibration which is continuous such as from a fan or compressor.
- B. Method of Measurement - For the purpose of measuring the intensity or frequency of sound, the sound level meter, octave band analyzer, and the impact analyzer shall be employed. The instruments to be used for these noise measurements shall conform to all current applicable USASI standards. During these measurements, the instruments shall be set on the "A" - weighted sound pressure level with the meter set for slow response.
- Impact noises shall be measured on a commercially available impact noise analyzer.
- C. Maximum Permitted Sound Levels - The maximum permitted sound pressure levels in decibels across lot lines or district boundaries shall be in accordance with the Table 13-01. This table shall be used to determine the maximum noise level, measured in A-weighted decibels, which shall be permitted at the property line of the closest use in each of the following categories.

**TABLE 13-01**

**MAXIMUM PERMITTED SOUND LEVELS (dBA)**

<u>RECEIVING LAND USE CATEGORY</u>	<u>SOUND LEVEL LIMIT</u>		<u>(dBA)</u>
	7 p.m. - 7 a.m.		7 a.m. - 7 p.m.
Industrial and	55		75
Agricultural			
All Others	45		65

**13.02.030 Performance Standards Regulating Vibration**

No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is discernible without instruments at the zone lot line of the zone lot on which the vibration source is situated.

For purposes of this section, vibration shall include the type of vibration which is a reciprocating movement transmitted through the earth and impact vibration produced by two or more objects (or parts of a machine) striking each other.

13.02.040      Performance Standards Regulating Smoke, Gases, Dust, and Particulate Matter

A. Definitions

1. Particulate Matter: matter, other than combined water, which is suspended in air and other gases, in a finely divided form, as a liquid or solid at standard conditions.
2. Ringlemann Number: the shade of gray which appears on the chart published and described in the U.S. Bureau of Mines Information Circular 7718, for use in measuring the shades and density of air contaminants arising from stacks, chimneys, and other sources.
3. Smoke: small gas-borne or airborne particles regulating from combustion operations and consisting of carbon and ash and other matter present in sufficient quantity to be observable.

- B. Smoke - No emission shall be permitted at any point from any stack, chimney, or other source or smoke of visible effluent of a shade equal to or darker than Ringlemann No. 1, except as provided below:

Within the IR Districts, the emission of smoke or visible effluent of a shade equal to Ringlemann No. 2 may be permitted for six (6) minutes in any four (4) hour period.

Within the IG Districts, the emission of smoke or visible effluent of a shade equal to or darker than Ringlemann No. 2 shall not be permitted, except that visible gray smoke of a shade equal to Ringlemann No. 3 may be permitted for three (3) minutes in, any one (1) hour period.

- C. Gases, Dust, and Particulate Matter - No emission shall be permitted from any stack, chimney, or other source of any solid or liquid particles in concentrations exceeding 0.30 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air. In no case shall any emission be permitted which will cause any damage to health, animals, vegetation, or other forms of property or which can cause soiling at any point beyond the zone lot line on which the source is situated.

### 13.02.050      Performance Standards Regulating Odors

#### A. Definitions

1. Odorous Matter: solid, liquid, or gaseous material which produces an olfactory response in a human being.
2. Odor Threshold Concentration: the lowest concentration of odorous matter which will produce an olfactory response in a human being.

#### B. Emission of Odorous Matter

Within the IR and IG Districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary of any residential, commercial or agricultural district.

Within all other districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the zone lot line.

### 13.02.060      Performance Standards Regulation Toxic Matter

#### A. Definitions

1. Threshold Limit Values: the maximum allowable concentration permitted an industrial worker for eight (8) hours exposure per day, five (5) days a week as adopted by the American Conference of Governmental Industrial Hygienists.
2. Toxic Matter: materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

B. Methods of Measurement - The measurement of toxic matter shall be at ground level or habitable elevation at the zone lot line and shall be average of a 24 hour sample.

C. Emission of Toxic Matter - Within all industrial districts, the release of toxic matter shall not exceed one-thirtieth (1/30) of the threshold limit value. Within all other districts, the release of any toxic matter is prohibited.

### 13.02.070      Performance Standards Regulating Fire and Explosive Hazards

A. Explosive Materials - Activities involving the storage, utilization, or manufacture of products or materials which decompose by detonation shall be provided with adequate fire-fighting and suppression equipment and devices standard to the activity involved. Where detonable materials are permitted, these materials shall be handled in accordance with the National Fire Code.

Within the IR and IG Districts, the storage and utilization (but not manufacture) of detonable materials in excess of five (5) pounds is permitted, in accordance with

applicable state and local regulations. The storage of such materials in all other districts is prohibited.

B. Fire Hazard Solids - Within all industrial districts, the storage, utilization, or manufacture of solid materials which are free or active to intense burning may be permitted but shall be conducted within spaces having fire restrictive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no less than forty (40) feet from all zone lot lines. The storage or manufacture of such materials in all other districts is prohibited.

C. Fire Hazard Liquids and Gases - In all industrial districts, the storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers of 55 gallons or less. Such finished products shall be stored in fire-resistive and fire-protected areas, or if stored outdoors, no closer than forty (40) feet from all zone lot lines.

The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in Table 13-02 and Table 13-02 for each industrial district. The storage of such materials in all other districts is prohibited.

D. There shall be an earthen berm of sufficient size surrounding the location of flammable material to contain the volume of liquids and/or gases.

**TABLE 13-02**  
**STORAGE CAPACITY OF FLAMMABLE LIQUIDS**

	Above Ground Flash Point, <u>Degrees Fahrenheit</u>	Below Ground Flash Point, <u>Degrees Fahrenheit</u>
<u>District</u>	<u>Less than 125 125-300</u>	<u>Less than 125 125-300</u>
IR	10,000 gal. 40,000 gal.	20,000 gal. 80,000 gal.
IG	Unlimited except that within 300 feet of a district boundary no more than 50,000 gallons per acre within such distance shall be permitted.	Unlimited

Note: Flash point is defined as the lowest temperature at which a flammable liquid will momentarily burn under prescribed conditions. The tag open cup tester shall be authoritative.

**TABLE 13-03**  
**STORAGE CAPACITY OF GASES**

District	Above Ground	Below Ground
IR	300,000 SCF	600,000 SCG
IG	Unlimited except that within 300 feet of a district boundary no more than 1,500,000 SCF per acre within such distance shall be permitted.	

Note: SCF is defined as standard cubic feet which is the measure of the volume of a gas reduced to 60 Degrees Fahrenheit and 29.92" mercury, absolute.

13.02.080      Performance Standards Regulating Glare and Electromagnetic Interference

A. Definitions

1. Foot Candle: a unit of illumination. Technically the illumination at all points one (1) foot distance from a uniform point source of one (1) candlepower.

B. Limitation of Glare

1. In all districts, site lighting shall be shielded to that substantially all directly emitted light falls within the property line. Illumination in excess of one-half (0.5) foot-candle shall not be permitted across the boundary of any adjacent residential property or public street.
2. No illumination shall produce direct, incident, or reflected light that interferes with the safe movement of motor vehicles on public streets. Lighting prohibited by this provision shall include, but not be limited to, any light that may be confused with or construed as a traffic control device.
3. Maximum permitted height of light fixtures/luminaries in residential districts shall be thirty (30) feet. Maximum permitted height of light fixtures/luminaries in non-residential districts shall be forty (40) feet, except that ball fields and other recreation facilities may have 100 foot power.
4. Exterior Lighting Plan. At the time any exterior light is installed or substantially modified and whenever a use and occupancy permit is sought, an exterior lighting plan shall be submitted to the City in order to determine whether the requirements of this Section have been met and that adjoining property will not be adversely impacted by the proposed lighting.
5. Additional/Alternative Standards for Cutoff Fixture Types. If a luminaire (bulb) has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer at ground level at the point where the cutoff angle intersects the ground. The maximum permitted illumination and height of the luminaire shall be as indicated in Table 13-04 and as measured at ground level.

**TABLE 13-04**

## Alternative Standards for Cut-Off Fixture Types

Use and District	Maximum Maintained Illumination (in foot candles)*	Maximum Permitted Height of Luminaire (in feet)
Residential Parking Areas	0.50	30 feet
Non-Residential Parking areas in Non-Residential Districts other than PB, IR, and IG	0.75	40 feet
Non-Residential Parking Areas in PB, IR, and IG Districts	1.0	40 feet

\* Note: As measured at ground level

6. Exterior Lighting for Specified Outdoor Recreational Uses. Ball Diamonds, playing fields, and tennis courts have unique requirements for night-time visibility and generally have limited hours of operation. These uses may be exempted from the exterior lighting standards if the applicant can satisfy the Planning Commission upon site plan review that the following requirements are met:
  - (a) The site plan must meet all other requirements of this Article and this Ordinance; and
  - (b) Any exterior light sources shall not exceed the maximum permitted luminaire (bulb) height of 100 feet.
  - (c) If provided that the luminaire (bulb) is shielded in either its orientation or by a landscaped bufferyard to prevent light and glare spill-over to adjacent residential property, then the luminaire may exceed a total cutoff angle of ninety (90) degrees. The maximum permitted illumination at the interior bufferyard line shall not exceed two (2) foot candles.
7. Additional Standards. Notwithstanding any other provision of this Section to the contrary:
  - (a) No flickering or flashing lights shall be permitted.
  - (b) Light sources or luminaries shall not be located within bufferyard areas except on pedestrian walkways.
8. The Planning Commission may require at the recommendation of staff, shoe box fixture or other means to shield and contain light and may determine whether or not it is appropriate to use high pressure sodium, metal halide or other style bulbs as luminaires.



- C. Electromagnetic Interference - In all districts, no operations or activities shall be conducted which cause electrical disturbances to be transmitted across zone lot lines.

13.02.090      Performance Standards Regulating Radioactive Materials

The manufacture, storage, and utilization of radioactive materials shall be in accordance with the "State Regulations for Protection Against Radiation" issued by the Tennessee Department of Health and Environment.

13.02.100      Non-conforming Uses by Reason of Performance Standards

Any use existing on the effective date of this Ordinance, or subsequent amendment as applicable, and permitted by right that does not meet the requirements of one or more of the performance standards established explicitly in this Article or by reference shall be subject to the non-conforming use provisions of Section 14.02.

### **13.03 Design Standards and Regulations**

The following sections detail the design standards to be applied to all developments in all districts as set forth herein.

### **13.04 Transitional Bufferyard Design Standards**

#### **13.04.010 Purpose**

The bufferyard and screening provisions are included in this section to improve the physical appearance of the community; to improve the environmental performance of new development by contributing to the abatement of heat, glare, or noise and by promoting natural percolation of storm water and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of property and neighborhoods within the City.

#### **13.04.020 Applicability**

The provisions of this section shall apply to all new development on each lot, site, or common development which has not received a final site plan approval or a building permit, except for the following:

- A. Reconstruction or replacement of a lawfully existing use or structure following casualty loss.
- B. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures or the location and design of parking facilities or other site improvements.
- C. Additions or enlargements of existing uses or structures, except surface parking, which increase floor area or impervious coverage by less than twenty (20) percent. Where such additions or enlargements are twenty (20) percent or greater, these provisions shall apply only to that portion of the lot, site, or common development where the new development occurs.

#### **13.04.040 Definitions**

The following definitions shall be used for terms contained within this Article:

- A. Bufferyard: A landscaped area provided to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.
- B. Landscaped Area: That area within the boundaries of a given lot consisting primarily of plant material, including, but not limited to, grass, trees, shrubs, flowers, vines, groundcover, and other organic plant materials. Inorganic materials, such as brick, stone, or aggregate, may be used within landscaped areas, provided that such material

comprises no more than thirty-five (35) percent of the area of the required landscaped area. Flat concrete or asphalt areas, other than public walkways or bikeways, shall not be used within a required landscaped area.

- C. Tree: A woody plant having at least one (1) well-defined trunk or stem and a more or less definitely formed crown, usually attaining a mature height of at least eight (8) feet.

#### 13.04.050 General Standards

- A. Location and Design: Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated, or reserved public or private street or right-of-way.

The bufferyard is normally calculated as parallel to the property line. However, the City Planner may permit design variations in the bufferyard; but, in no case, shall the average depth of the bufferyard be less than that required of this Article. Average depth shall be measured at the two end points of the buffer and two additional points that are approximately one-third of the total linear distance from the end point. At his/her sole discretion, the City Planner may determine that these measuring points do not represent a fair approximation of the average depth of the buffer, and he/she may include additional measuring points to provide a more definitive approximation of the average depth of a proposed bufferyard.

Where a required drainage, utility, or other easement is partially or wholly within a required bufferyard, the developer shall design the buffer to minimize plantings within the required easement. The City Planner, and the Planning Commission may require additional bufferyard area or additional plantings of the developer in such instances to ensure that the screening purpose of the bufferyard is maintained.

- B. Use of Bufferyards. A bufferyard may be used for some forms of passive recreation. It may contain pedestrian, bike, or equestrian trails, provided that:

1. No required plant material is eliminated.
2. The total depth/width of the bufferyard is maintained.
3. All other regulations of this chapter are met.

In no event, however, shall the following uses be allowed in bufferyards: accessory buildings, outdoor storage, sheds, garages, play fields, stables, swimming pools, tennis courts, or similar active recreation uses.

- C. Ownership of Buffers: Bufferyards may remain in the ownership of the original owner/developer (and assigns) of a developing property. Bufferyards may be

subjected to deed restrictions and subsequently be freely conveyed. They may be transferred to any consenting grantees, such as owners associations, adjoining land owners, a park district, the City, or any conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyard for the purposes of this Article.

#### 13.04.060 Determination of Bufferyard Requirements

To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed:

- A. Identify the zoning classification of the proposed development by referring to Table 13-05 of this section.
- B. Identify the zoning classification and status of development (undeveloped vs. platted and/or developed) of each adjoining property, including properties located across an intervening street, by referring to Table 13-05.
- C. Determine the bufferyard requirements for those, side, rear, and front lines or portion thereof on the subject development parcel by referring to Table 13-05, and the additional requirements of this section. Existing plant material may be counted as contributing to the total bufferyard requirement. The bufferyards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining bufferyards.
- D. When a development parcel is proposed adjacent to vacant, unplatted/unsubdivided land, the following provisions shall apply:
  1. The owners of the affected properties may submit a contractual agreement (which becomes a deed restriction on both properties) whereby the bufferyard for the development parcel is reduced or waived, provided that the owner of the development parcel agrees to develop, at no greater intensity than as shown on his approved sited/subdivision plan; and if any additional bufferyard is required by this section at a future date, it will be provided on the vacant land; or
  2. The required bufferyard for the development parcel, derived by using the existing zoning of the undeveloped tract, shall be equal to one-half of the minimum width prescribed in Table 13-05 or ten (10) feet in width, whichever is the greater. However, any development parcel proposed for non-residential use, which lies contiguous to a tract of undeveloped/subdivided land zoned for residential use or is designated as "Rural Preservation Residential" "Low Residential Density," "Medium Residential Density," or "High Residential Density" on the approved Land Use Plan Maps of Gallatin, Tennessee (1996-2010), shall be required to fulfill the bufferyard requirements of this Article utilizing the existing zoning on the undeveloped tract as the determinant of the bufferyard requirement.

- E. Should a developed parcel increase in intensity or zoning classification from a given zoning district to a more intense zoning district (e.g., from R-40 to R-20, from CS to CG), the Planning Commission shall, during the site plan or subdivision review process, determine if additional bufferyard is needed and, if so, to what extent and type.
- F. Additional Bufferyard Provisions: In addition to the requirements provided in this section, the following bufferyard provisions shall apply to proposed development parcels. In general, the owner, developer, or operator of a proposed use within a development parcel shall install and maintain a landscaped bufferyard on his/her lot, site, or common development, as set forth in this section.
1. Parcels with Intervening Major Street: When an arterial or collector street (as identified on the Major Thoroughfare Plan of Gallatin, Tennessee, separates adjacent development parcels requiring a bufferyard, the required bufferyard shall be the greater of one-half of the required bufferyard set forth in Table 13-05 or fifteen (15) feet.
  2. Parcels with Intervening Local Street: When a local street (as identified on the Major Thoroughfare Plan of Gallatin, Tennessee, or any other public right-of-way separates adjacent development parcels requiring a bufferyard, the required bufferyard shall be the greater of two-thirds of the required bufferyard set forth in Table 13-05, or twelve (12) feet.
  3. Railroad Right-of-Way: Any lot or site zoned or planned for non-residential use, which is adjacent to an active railroad right-of-way, shall be exempt from any bufferyard requirement along the common property line with such right-of-way.
  4. Lot Size Compatibility Provision: For any residential development parcel, including parcels located in a Residential PUD District or a PRD - Planned Residential Development District, along a common property line of an adjacent developed and/or platted residential use, the following provisions may be applied in lieu of the requirements of Table 13-05:
    - (a) No bufferyard shall be required if the average lot size of a development parcel's contiguous lots is equal to or is within five (5) percent of the average lot size of an adjacent, developed, residential use (measured by averaging the lot sizes of platted lots contiguous to the proposed development parcel).
    - (b) The required bufferyard shall be reduced to ten (10) feet, if the average lot size of a development parcel's contiguous lots is equal to or is within twenty (20) percent of the average lot size of an adjacent, developed residential use (measured by averaging the lot sizes of platted lots contiguous to the proposed development parcel).

5. Bufferyards for Planned Residential Development Districts: Subject to the provisions of Section 06.09, for all proposed Planned Residential Development Districts, the required bufferyard along a common property line shall be determined by utilizing Table 13-05 and the site's base zoning district and then increasing the required bufferyard (utilizing the adjacent tract's zoning and the Planned Residential Development District base zoning as the determinants) up to the next bufferyard type (i.e., a R-10 Planned Residential next to an existing R-20 subdivision would require a bufferyard type 35).
  6. On any lot or development parcel platted before the effective date of this section, which requires the provision of a bufferyard and has a dimension perpendicular to such bufferyard of less than two hundred (200) feet, such bufferyard may be reduced to no less than fifty (50) percent of the applicable dimension.
- G. Table of Bufferyard Requirements. Table 13-05 shall be used to determine the bufferyard requirements of a development parcel which is adjacent to a developed and/or platted property, site, or common development.

**TABLE 13-05  
BUFFERYARD REQUIREMENTS**

Zoning of Developing Tract	Zoning of Adjacent Platted or Developed Property																						
	RESIDENTIAL							COMMERCIAL													INDUSTRIAL		
	A	R40	R20	R15	R10	R8	R6	MU	MUG	MUL	MRO	MPO	OR	GO	CC	CS	CSL	CG	PGC	PNC	PB	IR	IG
A	*	15	25	35	40	45	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
R40	15	*	20	35	40	45	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
R20	25	20	*	25	35	35	40	50	50	50	40	40	40	40	50	35	35	50	40	40	50	50	50
R15	35	35	25	*	15	25	40	50	50	50	40	40	40	40	50	30	30	40	30	30	40	50	50
R10	40	40	35	15	*	15	40	40	40	40	30	30	30	30	10	30	30	35	30	30	40	50	50
R8	45	45	35	25	15	*	30	40	40	40	30	30	30	30	10	30	30	30	30	30	35	50	50
R-6	50	50	40	40	40	30	*	25	25	25	15	15	15	15	10	25	25	30	25	25	30	50	50
MU	50	50	50	50	40	40	25	10	10	10	15	15	15	15	15	25	25	30	25	25	25	50	50
MUG	50	50	50	50	40	40	25	10	10	10	15	15	15	15	15	25	25	30	25	25	25	50	50
MUL	50	50	50	50	40	40	25	10	10	10	15	15	15	15	15	25	25	30	25	25	25	50	50
MRO	50	50	40	40	30	30	15	15	15	15	10	15	10	10	10	10	10	20	15	15	20	35	35
MPO	50	50	40	40	30	30	15	15	15	15	15	10	15	15	10	10	10	20	15	15	20	30	35
OR	50	50	40	40	30	30	15	15	15	15	10	15	10	10	10	10	10	20	15	15	20	35	35
GO	50	50	40	40	30	30	15	15	15	15	10	15	10	10	10	10	10	20	15	15	20	35	35
CC	50	50	50	50	10	10	10	15	15	15	10	10	10	10	10	10	10	10	10	10	10	10	10
CS	50	50	35	30	30	30	25	25	25	25	10	10	10	10	15	15	15	15	15	15	15	20	30
CSL	50	50	35	30	30	30	25	25	25	25	10	10	10	10	10	15	15	15	15	15	15	30	30
CG	50	50	50	40	35	30	30	30	30	30	20	20	20	20	10	15	15	15	15	15	15	30	30
PGC	50	50	40	30	30	30	25	25	25	25	15	15	15	15	10	15	15	15	15	15	20	35	35
PNC	50	50	40	30	30	30	25	25	25	25	15	15	15	15	10	15	15	15	15	15	20	35	35
PB	50	50	50	40	40	35	30	25	25	25	20	20	20	20	10	15	15	15	20	20	15	15	25
IR	50	50	50	50	50	50	50	50	50	50	35	30	35	35	10	20	30	30	35	35	15	*	*
IG	50	50	50	50	50	50	50	50	50	50	35	35	35	35	10	30	30	30	35	35	25	*	*

\* No bufferyard required.

NOTE: Bufferyard requirements stated above are in terms of the average width of the bufferyard along a common boundary of an adjacent development and/or platted property. Consult all other paragraphs of this section for additional bufferyard provisions and landscape screening requirements of the bufferyard. The base residential zoning of all Planned Residential developments shall be utilized as the applicable zoning of developing or developed properties.

#### 13.04.080 Transitional Bufferyard Landscaped Area and Minimum Width Regulations

A. General Design Standards. The following general provisions shall apply to the design and construction of transitional bufferyards as defined herein:

1. The layout, design, and arrangement of the prescribed numbers and types of landscape materials within a bufferyard shall be in accordance with this section.
2. In those bufferyards which require the construction of a berm, wall, or similar opaque barrier, the following provisions shall apply:

An opaque barrier, at the height prescribed in the specific bufferyard design type standards in this section, shall be provided which visually screens the potentially offensive development parcel uses from the adjacent properties as follows:

- (a) A masonry wall, a minimum of three (3) feet in height, of a design approved by the City Planner.
  - (b) A hedge-like screen or a random or informal screen plantings of broadleaf evergreen shrubs or approved deciduous plant material, capable of providing a substantially opaque barrier and attaining a minimum height of four (4) feet within three (3) years of planting. Hedges shall be planted initially at minimum spacings and sizes to adequately provide a substantially opaque barrier within two years of planting.
  - (c) A landscaped earth berm with a maximum slope of 3:1, rising no less than two and one-half (2.5) feet above the existing grade at the lot line separating the development parcel from adjacent properties. Landscape materials to be included on the berm are identified in this section.
  - (d) Any combination of these methods that achieves the cumulative minimum height prescribed in each bufferyard type.
3. To the maximum extent feasible under these regulations, the proposed bufferyard and berm shall be designed to permit easy maintenance of these areas by the owners or owners association.

#### 13.04.090 Description and Standards of Transitional Bufferyard Design Types

Transitional bufferyards of the following types shall be provided in the situations as identified in Table 13-05:

- A. Bufferyard Type "10": Transitional bufferyard Type 10 shall consist of a strip of landscaped area, a minimum of ten (10) feet wide, landscaped as follows:



1. Residential Bufferyards: One medium evergreen tree (ultimate height 20-40') for every fifteen (15) feet planted on triangular staggered spacing, PLUS one large deciduous tree (ultimate height 50± feet) for every sixty (60) linear feet measured along the common property line.
2. Commercial Bufferyard: One large deciduous tree (ultimate height 50± feet) for every sixty (60) linear feet, PLUS a group of two (2) small deciduous or ornamental trees (spaced at 30 feet on centers) for every sixty (60) linear feet (planted) between the large deciduous trees.

B. Bufferyard Type "15": Transitional bufferyard Type 15 shall consist of a strip of landscaped area, a minimum of fifteen (15) feet wide, landscaped as follows:

1. Residential Bufferyards: One medium evergreen tree (ultimate height 20-40') for every fifteen (15) feet planted on triangular staggered spacing, PLUS one large deciduous tree (ultimate height 50± feet) for every sixty (60) linear feet measured along the common property line.
2. Commercial Bufferyard: One large deciduous tree (ultimate height 50± feet) for every sixty (60) linear feet, PLUS a group of two (2) small deciduous or ornamental trees (spaced at 30 feet on centers) for every sixty (60) linear feet (planted) between the large deciduous trees.

C. Bufferyard Type "20": Transitional bufferyard type 20 shall consist of a strip of landscaped area, a minimum of twenty (20) feet wide, landscaped as follows: one large deciduous tree (ultimate height 50± feet) for every seventy-five (75) linear feet, PLUS a group of three (3) medium evergreen trees (planted on 15 feet triangular staggered spacing) and one small deciduous or ornamental tree (planted 15 feet from evergreens) for every seventy-five (75) linear feet.

D. Bufferyard Type "25": Transitional bufferyard type 25 shall consist of a strip of landscaped area, a minimum of twenty-five (25) feet wide, landscaped as follows: one large deciduous tree (ultimate height 50± feet) for every sixty (60) linear feet, PLUS a group of two (2) small deciduous or ornamental trees (spaced 30 feet on center) for every sixty (60) linear feet.

E. Bufferyard Type "30": Transitional bufferyard type 30 shall consist of a strip of landscaped area, a minimum of thirty (30) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with Section 13.04.08, to a minimum height of six (6) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, PLUS one large deciduous tree (ultimate height 50± feet) for every sixty (60) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

- F. Bufferyard Type "35": Transitional bufferyard type 35 shall consist of a strip of landscaped area, a minimum of thirty-five (35) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with Section 13.04.080, to a minimum height of six (6) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, PLUS one small deciduous or ornamental tree for every eighty (80) linear feet, PLUS one large deciduous tree (ultimate height 50± feet) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.
- G. Bufferyard Type "40": Transitional bufferyard type 40 shall consist of a strip of landscaped area, a minimum of forty (40) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with Section 13.04.080, to a minimum height of ten (10) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, PLUS one small deciduous or ornamental tree for every eighty (80) linear feet, PLUS one large deciduous tree (ultimate height 50± feet) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.
- H. Bufferyard Type "50": Transitional bufferyard type 50 shall consist of a strip of landscaped area, a minimum of fifty (50) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with Section 13.04.080, to a minimum height of ten (10) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every ten (10) feet planted on triangular staggered spacing, PLUS one small deciduous or ornamental tree for every eighty (80) linear feet, PLUS one large deciduous tree (ultimate height 50± feet) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

#### 13.04.100 Additional Bufferyard Provisions

The following additional provisions shall apply to the design standards for required bufferyard landscaping:

- A. Preservation of healthy existing tree vegetation within a required bufferyard is strongly encouraged. Preservation of each healthy existing tree, of species and size (at least four and one-half inches caliper) approved by the City Planner, shall count as one tree towards the fulfillment of the landscape requirements of this section.
- B. A development parcel may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its initial building permit, regardless of whether an adjacent lot, site, or common development is rezoned to a less intense district which requires additional bufferyards or screening.

- C. Alternative Plan Approval. Upon the request of any owner of property to which this Section applies, the Planning Commission may approve an alternative plan which is not in strict compliance with the requirements of this Section, if the Commission finds that such alternative plan meets the purpose and intent of the requirements of this section and the alternative Bufferyard Plan is clearly superior to a plan that would be in strict compliance with this Section. In making the determination, the Commission may consider the topography, shape, size, or other natural features of the property; the suitability of any alternative screening or buffering proposals; and other similar factors.

#### 13.04.110 Time of Completion

The landscaping required of this section shall be installed and completed in accordance with the following:

- A. Except as otherwise provided in Section 13.04.110 B, all landscaping must be completed in accordance with the approved landscape plan before a certificate of occupancy may be issued for any building on the lot.
- B. If the property owner provides the Zoning Administrator with documented assurance that the landscaping will be completed within six months, the Zoning Administrator may issue one six-month temporary certificate of occupancy and permit the property owner to complete his landscaping during the six-month period. For purposes of this subsection, documented assurance means:
1. A copy of a valid contract to install the landscaping in accordance with the landscape plan within the six-month period; or
  2. A set of deed restrictions containing a covenant to install the landscaping in accordance with the landscape plan within the six-month period. The deed restrictions must:
    - (a) expressly provide that they may be enforced by the City of Gallatin;
    - (b) be approved as to form by the City attorney; and
    - (c) be filed in the deed records of the County in which the land is located.
  3. If a temporary certificate of occupancy is issued under Section 13.04.110 B,2 and, at the end of the six-month period, no permanent certificate of occupancy has been issued because the landscaping has not been installed in accordance with the landscape plan, the owner of the property is liable to the City for a civil penalty in the amount of \$200 a day for each calendar day thereafter until the landscaping is properly installed. The City Planner shall give written notice to the property owner of the amount owed to the City in civil penalties, and shall

notify the City attorney of any unpaid civil penalty. The City attorney shall collect unpaid civil penalties in a suit on the City's behalf.

4. The civil penalty provided for in Section 13.04.110 B,3 is in addition to any other enforcement remedies the City may have under city ordinances and state law.

#### 13.04.120 Maintenance of Required Landscaping Improvements

The landscaping required of this section shall be installed and maintained in accordance with the following:

- A. The developer, his successor, and/or the property owners shall be responsible for regular weeding, irrigating, fertilizing, pruning, or other maintenance of all plantings as needed.
- B. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plant materials shall be replaced.
- C. The property owner of land abutting a constructed public right-of-way is responsible for landscaping and maintenance of any right-of-way area between his property line and the curb line.
- D. All plantings will be subject to periodic inspections by Officials of the City of Gallatin.
- E. In the event the required maintenance is not being performed, the developer or the property owner shall be subject to a fine not to exceed \$300 or imprisoned not more than 90 days, or both. Each day of such an infraction shall be deemed a separate offense.

### **13.05 Intent of Parking Area Screening and Landscaping Design Standards**

This section is to delineate minimum standards by which parking areas will be screened from adjacent public streets or from adjacent properties. In addition, this section delineates standards for the planting of the interiors of parking areas.

#### **13.05.010 Applicability**

The following requirements are cumulative, not exclusive.

- A. Perimeter and Interior Parking Area Landscaping Required. The perimeter parking area landscaping requirements of this section shall apply to all off-street parking facilities in all zone districts adjacent to a public street or to a property line which:
  - 1. Have five (5) or more parking spaces; or,
  - 2. Are larger than one thousand (1,000) square feet in area.
- B. Parking Area landscaping standards may be waived for property located within an approved Master Development Plan or Final Site Plan authorized by the Planning Commission if the approved Master Development Plan or Final Site Plan provides for landscaping and screening measures in excess of this regulation.

#### **13.05.020 Parking Area Screening and Landscaping Standards**

- A. Perimeter Requirements. Unless supplanted by more stringent standards in Section 13.04, parking areas which qualify under this Section shall be landscaped as follows:
  - 1. Parking Areas Adjacent to Public Streets. Parking areas adjacent to public rights-of-way shall be separated from the edge of the right-of-way by a perimeter landscape strip which shall be landscaped per the standards set out in Section 13.05.020 A,3 herein. The public right-of-way and areas reserved for future rights-of-way in compliance with the Official Street Map shall not be used to satisfy the requirements of this section. Perimeter landscape strips shall be continuous and unbroken except for driveways or sidewalks required to access the parking area. Such driveways or sidewalks shall cross the perimeter landscape strip as close to perpendicularly as possible, to minimize interruption of the landscape.
    - (a) Perimeter landscape strips adjacent to public streets classified as Arterials or Major Collectors on the Official Street Map shall be a minimum of fifteen (15) feet in width, unless: (a) the strip includes a permanent finished wall no less than thirty (30) inches in height; or (b) the required trees are planted in islands between the parking spaces. In such cases, the perimeter landscape strip may be reduced to eight (8) feet in width.

- (b) Perimeter landscape strips adjacent to public streets classified as Minor Collectors or Locals on the Official Street Map shall be a minimum of ten (10) feet in width, unless: (1) the strip includes a permanent finished wall no less than thirty (30) inches in height; or (b) the required trees are planted in islands between the parking spaces. In such cases, the perimeter landscape strip may be reduced to five (5) feet in width.
2. Parking Areas Adjacent to Side or Rear Property Lines A parking area which lies adjacent to a side or rear property line shall provide a seven (7) foot minimum perimeter landscape strip, as measured from the outermost edge of pavement or back of curb to the common property line. Two adjacent properties may each share in the development of a seven (7) foot landscape strip along their common property line. In instances where the resulting perimeter landscape strip is a part of a plan for shared access in compliance with these provisions, each owner may count the area contributed toward the resulting seven (7) foot strip toward the interior planting area requirements of the parcel. The resulting strip shall be landscaped per the standards set out herein. See Figure 13-01.
3. Landscape Materials in Perimeter Parking Areas Abutting Public Rights-of-Way and Side/Rear Property Lines. Within designated Perimeter Parking Areas abutting public rights-of-way, a minimum of one (1) tree shall be preserved or planted for each fifty (50) feet of parking area perimeter, or portion thereof. Trees planted to meet this requirement shall measure a minimum of three (3) inches in caliper, as applicable for the type of material specified. The remaining area within the perimeter landscape strip which fronts on a street right-of-way shall be planted with one (1) continuous row of evergreen shrubs which shall be expected to mature at a height not greater than two and one-half (2-1/2) feet, except as modified for walls. The remainder of the area within all perimeter strips not occupied by trees or shrubs shall be covered by organic or mineral mulches, other shrubs, groundcover plants, or grassed lawns. The use of concrete, asphalt, or other impervious surfaces shall be prohibited.

Within designated perimeter parking areas at side/rear property lines, a minimum of one (1) tree shall be preserved or planted for each sixty (60) feet of parking area perimeter, or portion thereof. Trees planted to meet this requirement shall measure a minimum of two and one-half (2.5) inches in caliper, as applicable for the type of material specified. The remaining area within the perimeter landscape strip not occupied by trees shall be covered by organic or mineral mulches, other shrubs, groundcover plants, or grassed lawns. The use of concrete, asphalt, or other impervious surfaces is prohibited.

4. Corner Visibility Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed corner visibility pursuant to Section 12.02 and Section 13.06.050.

5. Adjacent Parking Areas with Shared Access Parking areas on adjacent properties, which are designed to share a common access from the public right-of-way and a vehicular travelway along their common property line shall be exempt from the requirement for a parking area perimeter landscape strip along their common property line, upon the recording of an easement agreement which provides for the mutual right of ingress and egress for both property owners. See Figure 13-02.

## B. Interior Planting Areas

1. General Requirements At least six (6) percent of the gross area of the parking area shall be landscaped. Interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of the parking bays or inside seven (7) foot wide or greater medians (where the median area is to be included as a part of the calculations for the interior planting area). Interior planting areas shall be located so as not to impede storm water run-off and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. See Figure 13-03.
  - (a) Tree spacing shall not exceed a maximum of one hundred ninety-five (195) feet or three (3) parking modules, whichever is less. See Figure 13-03.
  - (b) Trees shall be required at the minimum rate of one canopy tree for every ten (10) parking spaces. All vehicular use areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required rate of trees, notwithstanding ownership. Required trees shall be at least two and one-half (2-1/2) inches caliper. See Figure 13-03.

## 2. Minimum Size of Interior Planting Areas

- (a) A minimum of ninety (90) square feet of planting area shall be required for each new canopy tree. See Figure 13-03.
- (b) A minimum planting area of one hundred (100) percent of the drip line area of the tree shall be required for all existing trees to remain. If the applicant can demonstrate that conditions allow that the tree will be preserved with an area less than one hundred (100) percent, lesser area may be approved by the City Planner. See Figure 13-03.

## 13.05.030 Non-conforming Parking Area Landscaping Requirements

When the *gross* area of a non-conforming parking area is increased, compliance with this section is required as follows:

- A. Expansion by Twenty-Five (25) Percent or Less. When a parking area is expanded by not more than twenty-five (25) percent, only the expanded area must be brought into compliance with this section.
- B. Expansion by More Than Twenty-Five (25) Percent. When a parking area is expanded by more than twenty-five (25) percent, the entire parking area (pre-existing and expanded) must be brought into compliance with this section.
- C. Repeated Expansions. Repeated expansions of a parking area over a period of time commencing with the effective date of this section shall be combined in determining whether the twenty-five (25) percent threshold has been reached.

#### 13.05.040 Completion of Required Landscaping

- A. Completion of Required Landscaping Improvements. The landscaping required of this section shall be installed and completed in accordance with the following:
  - 1. Except as otherwise provided in Subsection 13.05.040 A,2, all landscaping must be completed in accordance with the approved landscape plan before a certificate of occupancy may be issued for any building on the lot.
  - 2. If the property owner provides the Zoning Administrator with documented assurance that the landscaping will be completed within six months, the Zoning Administrator may issue one six-month temporary certificate of occupancy and permit the property owner to complete his landscaping during the six-month period. For purposes of this subsection, documented assurance means:
    - (a) A copy of a valid contract to install the landscaping in accordance with the landscape plan within the six-month period; or
    - (b) A set of deed restrictions containing a covenant to install the landscaping in accordance with the landscape plan within the six-month period. The deed restrictions must:
      - (i) expressly provide that they may be enforced by the City of Gallatin;
      - (ii) be approved as to form by the City attorney; and
      - (iii) be filed in the deed records of the County in which the land is located.
  - (c) If a temporary certificate of occupancy is issued under Section 13.05.040 A,2 and, at the end of the six-month period, no permanent certificate of occupancy has been issued because the landscaping has not been installed in accordance with the landscape plan, the owner of the property is liable to the City for a civil penalty in the amount of \$200 a day for each calendar day thereafter until the landscaping is properly installed. The Zoning Administrator shall give written notice to the property owner of the amount owed to the City in civil



penalties, and shall notify the City attorney of any unpaid civil penalty. the City attorney shall collect unpaid civil penalties in a suite on the City's behalf.

- (d) The civil penalty provided for in Section 13.05.04 A,2,(c) is in addition to any other enforcement remedies the City may have under city ordinances and state law.

#### 13.05.050 Maintenance of Required Landscaping Improvements

The landscaping required of this section shall be installed and maintained in accordance with the following:

- A. The developer, his successor, and/or the property owners shall be responsible for regular weeding, irrigating, fertilizing, pruning, or other maintenance of all plantings as needed.
- B. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plant materials shall be replaced.
- C. The property owner of land abutting a constructed public right-of-way is responsible for landscaping and maintenance of any right-of-way area between his property line and the curb line.
- D. All plantings will be subject to periodic inspections by local, county, or state agencies.
- E. In the event the required maintenance is not being performed, the developer or the property owner shall be subject to a fine not to exceed \$300 or imprisoned not more than 90 days, or both. Each day of such an infraction shall be deemed a separate offense.

#### 13.05.060 Preservation of Existing Vegetation and Alternative Plans

Upon the request of any owner of property to which this section applies, the Planning Commission may approve an alternative plan which is not in strict compliance with the requirements of this section, if the Commission finds that such alternative plan meets the purpose and intent of the requirements of this section and the alternative Landscape Plan is clearly superior to a plan that would be in strict compliance with this section. In making the determination, the Commission may consider the topography, shape, size, or other natural features of the property (including existing vegetation to be preserved); the suitability of an alternative screening; and other similar factors.

### **13.06 Intent of Traffic Control and Access Management Design Standards**

The following standards are applied to all developments in all districts as set forth herein. The design standards require the efficient, attractive and safe design and construction of access points, driveways and other vehicular circulation elements within new development.

#### **13.06.010 Traffic Impact Studies' Requirements and Provisions**

- A. Requirements for a Traffic Impact Study. A Traffic Impact Study (TIS) shall be required for any proposed development or project which proposes:
1. residential developments with more than 125 dwelling units;
  2. non-residential developments of more than 25,000 square feet;
  3. combinations of residential and non-residential uses which would be expected to generate 1,000 vehicle trips or more per day, or 100 or more peak hour trips.
- B. Levels of Traffic Impact Study Required: - Three levels of Traffic Impact Studies have been identified based on the number of trips that a development is projected to generate in a 24 hour period. See Table 13-06.

*Level 1* studies require analysis of each access that the development has to an existing roadway. Access points to be analyzed include public roads, joint permanent access easements, and private driveways.

*Level 2* studies require the analysis of each access that the development has to an existing roadway, and to the first control point beyond those access points. A control point is an intersection controlled by a traffic signal or stop sign on the existing roadway onto which the development has access. For cases where traffic control device does not exist, the City Engineer will determine the extent of the study. If a freeway interchange is near the property to be developed and is not signalized, the City Engineer will determine if ramps need to be included in the study.

*Level 3* studies require a complex traffic access and impact study, addressing each access point, the first control point beyond each access point, and the nearest collector/collector intersection or street of higher classification or as determined by the City Engineer. The exact area to be studied will be determined by the City Engineer with input from the study preparer.

**TABLE 13-06**  
**LEVELS OF TRAFFIC STUDIES REQUIRED**

24 Hour Trip Generation	Level of Study Required
1,000 to 3,000 Average Daily Trips	Level 1
3,000 to 6,000 Average Daily Trips	Level 2
6,000 or Higher Average Daily Trips	Level 3

- C. Waiver of a Traffic Impact Study. Any property located within the Downtown Redevelopment Area (as identified in the General Development Plan) shall be exempt from Traffic Impact Studies. Furthermore, a property owner who can show that a development will not have a significant impact on the transportation system or affect the existing level of service of a roadway or an intersection may seek a waiver of a TIS from the City Engineer. Such a request shall be made in writing and shall be in accordance with guidelines established by the City Engineer. A Traffic Impact Study also may be waived by the City Engineer in cases where the applicant and the City Engineer agree on the nature and scope of the applicant's responsibilities for mitigating the impacts of traffic generated by the development. A waiver granted by the City Engineer must be documented in writing and must accompany an application to the Zoning Administrator.
- D. Approval of Traffic Impact Study The Traffic Impact Study shall be approved by the City Engineer, with all applicable performance requirements incorporated into any site and building plans submitted to the Zoning Administrator.
- E. Implementation of a Traffic Impact Study The Traffic Impact Study may take into account the Capital Improvements Budget of the City and/or State of Tennessee and may rely on improvements which have been funded and scheduled for construction. Any required traffic improvements which have not been funded or otherwise completed by the City of Gallatin or the State of Tennessee shall be completed by the developer prior to the issuance of a use and occupancy permit by the Zoning Administrator. When it can be demonstrated that a development will only partially contribute to the need for additional off-site improvements, the Zoning Administrator may require a pro-rata contribution under guidelines established by the Gallatin Regional Planning Commission and the City Engineer. The Zoning Administrator will certify that all traffic improvements to be provided by the developer or property owner have been completed before a use and occupancy permit shall be issued.

If the development is to be phased, the sequence and timing of a development shall be incorporated into the Traffic Impact Study. For projects which include multiple phases and/or multiple buildings, the Zoning Administrator shall certify the scheduling of improvements through the site plan approval process. If no phasing is identified in the Traffic Impact Study as approved by the City Engineer, all study recommendations shall be satisfied at the initial stage of development.

#### 13.06.020 Traffic Control and Access Management Standards - Protection of Residential Areas

- A. In order to minimize deterioration and destabilization of residential areas, commercial access for non-residential properties which abut residential zoned areas shall be designed so as to minimize the intrusion of non-residential and non-local traffic onto residential local and minor local streets.

### 13.06.030 Traffic Control and Access Management Standards - Access from Local and Collector Streets

Driveways providing vehicular access from streets which are designated by the Planning Commission as local or collector streets shall comply with the following provisions:

- A. Driveway Location. The following provisions apply to the location of driveways providing access to and from local and collector streets.
1. A driveway providing access to a single-family or two-family lot shall be located at least fifteen (15) feet from a street intersection.
  2. A driveway providing access to a use other than a single-family or two-family dwelling shall be located at least fifty (50) feet from a street intersection.
  3. All driveways shall be separated by at least thirty (30) feet except for instances where two single-family or two-family lots are being accessed and separated.
  4. Where feasible, commercial driveways shall be aligned and placed across from driveways occurring across an intervening street.
  5. All driveway curb cuts shall conform to the requirements additionally set forth in the Gallatin Municipal Code, Section 15-160.
- B. Number of Driveways The maximum number of driveways providing access to and from local and collector streets shall be as follows:
1. There shall be no more than two (2) driveways for the use of any single property fronting on any local or collector street.
  2. At the intersection of two local or collector streets where property is located on a corner lot, there shall be no more than one (1) driveway on each street for the use of the property.
  3. Deviations The City Engineer may authorize deviations from the provisions of Section 13.06.030, based upon a demonstration by the applicant that improvement of the property is impractical under the standards of this section and a determination that granting the requested deviation will not be contrary to public health, safety, and welfare.
- C. Permits A permit for the construction of a driveway crossing a curb or sidewalk, which has been duly accepted by the City of Gallatin shall be obtained prior to the commencement of any such work.

### 13.06.040 Traffic Control and Access Management Standards - Access from Arterial Streets

Driveways providing vehicular access from streets which are designated by the Regional Planning Commission on the Official Street Plan as arterial streets shall comply with the following provisions:

A. Driveway Location Table 13.07 sets forth maximum number of driveways based on the amount of arterial lot frontage. Driveways shall be a minimum of 30 feet apart.

1. The City Engineer may require a greater minimum distance between driveways if it is in the best interest of public safety.
2. Where feasible, all new driveways shall be placed directly across from driveways on the opposite side of the street to enhance traffic flow and public safety.

**TABLE 13-07**  
**NUMBER OF DRIVEWAYS**

Lot Frontage	Maximum Number of Driveways
Up to 150 Feet	1
150 to 299 Feet	2
Each Additional 300 Feet	1

B. Driveway Distances from Intersecting Streets Driveways of developments which have property frontage along an arterial street shall not be located:

1. within 185 feet of the right-of-way line of any intersecting arterial street; or
2. within 100 feet of the right-of-way line of any other intersecting street; or
3. within 250 feet of an interchange ramp.

C. Permit Restrictions If an undeveloped lot or unplatted parcel has less street frontage than the minimum spacing required in this Section and is adjacent to another lot under common ownership on the effective date of this Section, no building or use permit shall be issued until a joint access driveway is approved by the City Engineer.

D. Alternative Access Where the configuration of properties located on arterial streets precludes spacing of driveway access in accordance with the requirements of this section due to topography or prior site development layout, the City Engineer shall be authorized to require joint access driveways or cross access corridors. The following provisions set forth standards for joint use driveways and cross access corridors for reduced spacing situations.

1. Joint Use Driveways Wherever feasible, the City Engineer shall require the establishment of a joint use driveway serving two (2) or more abutting properties (see Figure 13-04). If a proposed development abuts an existing development which contains an existing joint access driveway, the vehicular circulation of the

proposed development shall be designed to connect to the abutting access and circulation areas. If a proposed development abuts an existing undeveloped property, the vehicular circulation of the proposed development will contain a joint access driveway which is designed to connect to the abutting property at a later date.

2. Cross Access Corridors The Planning Commission and staff, in coordination with the City Engineer, shall be authorized to designate cross access corridors on properties adjacent to arterials (see Figure 13-05). The developments within the affected cross access area shall be designed so as to provide for mutually coordinated parking, access, and circulation systems. Such designation shall be referenced on a plat of subdivision.

Additionally, if a development within the cross access area abuts an existing developed property which is not in the cross access area, but has an abutting joint access driveway, it shall be designed to tie into the abutting access and circulation system.

3. Recording Easements Wherever cross access corridors or joint use driveways are provided in accordance with this section, the final site plan shall not be approved unless the plan grants an easement for cross access to and from abutting properties. Such easement shall be recorded by the applicant in the public records of the City of Gallatin and Sumner County, and constitute a covenant running with the land.
4. Closing of Interim Driveways Wherever a permanent joint use driveway or cross access easement is constructed in accordance with this section, all preceding interim driveways shall be closed and eliminated. In the case of a joint use driveway, the property owner shall enter into a written agreement with the City of Gallatin, recorded in the public records of the City of Gallatin and Sumner County and running with the land, that existing driveways shall be closed and eliminated after the construction of both sides of a joint use driveway.
5. Where Unified Access and Circulation is not Practical The City Engineer shall be authorized to waive the requirements of this subsection when abutting properties have been developed in such a manner that it is clearly impractical to create a unified access and circulation system with all or part of the affected areas.

#### 13.06.050 Traffic Control and Access Management Standards - Visibility

In order to safely accommodate vehicular movements to and from public streets, the following sight distance and visibility provisions shall be required.

##### A. Visibility Areas

1. At the intersection of public and private streets, no fence, wall, hedge, or other planting or structure that will obstruct vision at any point above the center line grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the said right-of-way lines and a straight line joining said right-of-way lines in accordance with Table 13-07 and Figure 13-06.
2. In all zoning districts except CC, no fence, wall, hedge, or other planting or structure shall be allowed on private property that will obstruct vision at any point where private driveways intersect a public street in such a manner as to interfere with traffic visibility of any driver using an authorized driveway, alley, or roadway.

TABLE 13-07  
SITE VISIBILITY AREAS

Major Approach	Minor Approach	
	Public/Private Street	Driveway
Major Arterial	L = 325' R = 150' M = 30'	L = 325' R = 150' M = 25'
Minor Arterial	L = 275' R = 150' M = 25'	L = 275' R = 150' M = 20'
Collector	L = 200' R = 150' M = 20'	Non-Residential L = 200' R = 150' M = 20'  Residential L = 150' R = 120' M = 15'
Local Street	L = 175' R = 130' M = 15'	L = 75' R = 55' M = 15'

NOTES:

1. The table assumes right angle intersections and straight intersection street approach movements within the sight distance. Situations involving skewed intersections, curvilinear streets, and other mitigating factors shall have sight distances as determined by the City Engineer.
2. In the CC zone, the sight triangle may be modified as determined by the City Engineer.
3. All landscaping within the triangular areas described above shall provide unobstructed cross-visibility at a level between 30 inches and 9 feet above street grade. Where rigid enforcement of the landscaping and screening standards contained in Sections 13.04 and 13.05 creates a conflict with the provisions of this section, the regulations of this section shall take precedence. Placement of the required landscaping and screening elements shall be revised to the extent necessary to alleviate this conflict.

#### 13.06.060 Traffic Control and Access Management Standards - Measurement

For the purpose of Section 13.06, distances shall be measured in the following manner:

- A. Distance between Driveways. Distances between driveways shall be measured along the right-of-way line from the nearest points of intersection of the driveways with the right-of-way line. In the event that the curb return of a driveway begins outside of the right-of-way, the point of intersection of the extension of the driveway curb or edge shall be used for measurement purposes.
- B. Distance from Intersection. The distance from street intersections shall be measured from the nearest intersection of the existing right-of-way lines or extensions thereof. For streets designated to be widened at a future time by the adopted Thoroughfare Plan, measurement shall be made from the ultimate right-of-way.
- C. Distance from an Interstate Ramp. The distance from interstate ramps shall be measured from that point where the right-of-way for the interstate ramp intersects the right-of-way for the arterial street serving the lot.



## **13.07 Sign Regulations**

### **13.07.010 Purpose and Intent**

- A. Safety Construct and display signs in a manner that allows pedestrians and motorists to identify, interpret, and respond in an efficient and discerning manner to the following:
1. Information related to public traffic control, directions, and conditions.
  2. Movement of all other pedestrians and vehicles that impact traffic on a given travelway; and
  3. Information other than public traffic related when displayed in a manner which is clear, concise, and non-competing with public traffic information.
- B. Protection of Minors. Prohibit the location of signs that are harmful, or potentially harmful, to minors that include nudity or sexual activity through the exposure and/or exaggerated representation of genitals, buttocks, and/or breasts.
- C. Graphic Continuity and Aesthetics. Organize signs in a manner that reduces visual clutter and integrates signs with all other elements of the site and environs by limiting the size, location, and design of signs so that pedestrians and motorists have an equal right to view buildings, structures, and natural features in the foreground and background.
- D. Protection of Future Public Right-of-Way. Limit the location of signs so that reasonable expansion of the public right-of-way can occur in conformance with the capital improvements program and without disturbance of existing conforming signs.
- E. Activities and Services Identification. Based on a community's need to know, provide for signs that identify the market place and the opportunities provided by the community.

### **13.07.020 General Provisions**

- A. Interpretation. These sign regulations are intended to complement the various codes and ordinances of the City of Gallatin. Wherever there is inconsistency between these sign regulations and other regulations of the City of Gallatin, the more stringent shall apply. Reference is made, but not limited, to the following regulations:
1. Building Code;
  2. Electrical Code;
  3. Official Street Map;
  4. Zoning Ordinance and Performance Standards;
  5. Historic District Regulations;
  6. State of Tennessee Outdoor Advertising Regulations;

7. Gallatin Municipal Code.

B. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards:

1. Compliance with Codes. All signs must comply with all the provisions of the City of Gallatin Building Code.
2. Permanency Required. All signs shall be constructed of permanent materials and shall be permanently affixed to the ground or building unless otherwise exempted herein.
3. Maintenance. All signs shall be maintained in good surface and structural condition and in compliance with all building and electrical codes.

13.07.030 Rationale, Definition, System for Regulation, and Overall Use

A. Rationale. The word "sign" is chosen to signify all non-verbalized communication in public viewed areas because of its traditional use. The word "graphic" is synonymous with sign and the two may be used interchangeably within the context of this sign code. An on-premises sign shall not be a principal use.

B. Definition. The definition of "sign" as provided hereinafter is all-inclusive. A sign is any writing (including letter, work, or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); inflatable structure; or any other figure of similar character, which is:

1. A structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; and
2. Used to announce, direct attention to, or advertise.

C. Overall Use. The use of on-premises temporary signs other than portable signs is permitted wherever there is a need to display information for a limited period of time. The use of permanent on-premises freestanding or on-premise wall-mounted signs is permitted wherever there is a need to display information, and as provided for in Section 14.02.130, where there is a non-conforming use or sign.

D. System for Regulation. Before erecting, altering or relocating any signage, the owner or his agent shall obtain a sign permit from the Planning Division, except as otherwise exempted herein. If any person, company, or facility violates the provisions of this Ordinance, the Zoning Administrator, or his designee, shall take any or all of the enforcement actions prescribed in the Zoning Ordinance to ensure compliance with, and/or remedy a violation of this Ordinance.

#### 13.07.040 Exempt Signs

The following on-premises signs are exempt from the operation of these sign regulations provided they are not placed or constructed to be in violation of Section 13.06, or so as to create a hazard of any kind through the obstruction of vision by motorists and pedestrians. The Zoning Administrator may determine whether an exempt sign's placement is hazardous or vision is obstructed. A sign permit shall not be required for the following exempt signs:

- A. Within non-residential districts, signs that are displayed for the direction or convenience of the public, such as signs which identify entrances, exits, drive-thru windows, or signs of a similar nature. Such signs shall not exceed six (6) square feet in area, provided that such sign, or combination of such signs, does not constitute a sign prohibited by this section.
- B. Signs necessary to promote health, safety, and welfare, and other regulatory, statutory, traffic control, or directional signs erected on public property with permission from the appropriate governmental entity/agency.
- C. Legal notices and official instruments.
- D. Holiday lights and decorations with no commercial message.
- E. Public warning signs to indicate the dangers of trespassing, swimming, animals, or similar hazards for non-residential uses.
- F. Official government, fraternal, religious, or civic flags when mounted individually on permanent poles attached to the ground or building.
- G. In commercial and industrial districts decorative flags of eight (8) square feet or less in size that are mounted on individual poles. The poles shall be separated by a minimum distance of twenty-five (25) feet, except that four poles may be clustered at one location per street frontage. If the option to cluster is exercised, no other poles shall be erected along that street frontage. The flags may contain a logo and shall be subject to the height and front yard setback requirements for the respective district.
- H. Temporary signs for political purposes. Political signs shall follow the requirements outlined in Section 15-14 of the Gallatin Municipal Code.
- I. Decorative flags and bunting for a celebration, convention, or commemoration, subject to removal within seven (7) days following the event.
- J. Temporary merchandise displays and temporary window signs located behind storefront windows, provided that the placement of the windows signs do not constitute a public safety hazard as determined by the Zoning Administrator or the Gallatin Police Department.

- K. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, fee collection boxes, and gasoline pumps.
- L. In residential districts, any sign of a type described below which does not exceed two (2) square feet in area:
1. A sign giving a property identification name or number or name(s) of occupant, one (1) sign per lot,
  2. A mailbox sign [one (1) sign per dwelling unit], and
  3. A sign(s) posted on property relating to private parking, trespassing, or dangerous animals [limited to one (1) sign per zone lot if less than one (1) acre in size].
- M. Temporary or permanent signs identifying traffic control measures on private property, such as stop, yield, and similar signs, the face of which meet the Manual for Uniform Traffic Control Devices and which contain no logo or commercial message of any sort and which do not exceed six (6) square feet in area per sign.
- N. Temporary signs announcing yard sales which do not exceed six (6) square feet in area, are limited to one (1) per lot, which are erected no sooner than four (4) days before the event, and are removed within two (2) days after the event.
- O. Temporary signs announcing construction in residential districts which do not exceed six (6) square feet in area and six (6) feet in height, which are limited to one (1) per lot, and which are installed after issuance of a building permit and removed prior to the issuance of a certificate of compliance. If a sign is displayed pursuant to this section, but construction is discontinued for a period of more than sixty (60) days, the message shall be removed pending continuation of construction activities.
- P. Temporary signs announcing construction in non-residential districts provided that they are less than thirty-two (32) square feet in area and ten (10) feet in height, and must be spaced at least one hundred (100) feet apart, and are installed after issuance of a building permit and removed prior to the issuance of a certificate of compliance. If a sign is displayed pursuant to this section, but construction is discontinued for a period of more than sixty (60) days, the message shall be removed, pending continuation of construction activities.
- Q. Temporary signs announcing real estate availability in residential districts which do not exceed six (6) square feet in area per sign, which do not exceed six (6) feet in height for freestanding signs, and which are limited to one (1) freestanding sign per street frontage and one (1) wall-mounted sign per dwelling unit. Temporary off-premises directional signs for open houses shall be allowed three (3) days prior to the open house and must be removed the day after the open house. Off-premises directional signs are only allowed for the advertising of an open house and not for the

sale of the house. Temporary off-premises directional signs shall not be located in the public right-of-way.

- R. Temporary signs announcing real estate availability in non-residential districts which are less than thirty-two (32) square feet in area per sign, which do not exceed ten (10) feet in height for freestanding signs and which are limited to one (1) freestanding sign per street frontage and one (1) wall-mounted sign per building facade if the entire building is for sale or lease or one (1) wall-mounted per leasable area if subunits of the building are for lease or rent.
- S. Temporary signs to announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public, charitable, educational, or religious event or function. Such message shall be erected no sooner than fourteen (14) days before the event, and removed within three (3) days after the event. Temporary on-premises and off-premises freestanding signs are permitted in this section. Off-premises signs shall not be placed within any public rights-of-way unless permission is granted by the City and shall be removed the day following the scheduled event.
- T. Temporary signs, off-premises, announcing real estate availability, by auction, including date, time and directions, in any district, which do not exceed twenty-four (24) square feet in area and do not exceed six (6) feet in height and are erected no sooner than seventeen (17) days before the event, and are removed within three (3) days after the event. Temporary off-premises auction signs shall not be located in the public right-of-way.

#### 13.07.050 Prohibited Signs

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this title. Any prohibited sign(s) may be removed by the zoning administrator or his designee after notice to the property owner or occupant to remove said sign(s) within three (3) days. The following signs are expressly prohibited:

- A. Signs that are in violation of any other code adopted by the City of Gallatin.
- B. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this title or other ordinance of the Code.
- C. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.

- D. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.
- E. Portable signs whether temporary or permanent.
- F. Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes or as otherwise by the Mayor and Aldermen.
- G. Billboards in all districts except IR and IG districts.
- H. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- I. Signs, within ten (10) feet of public rights-of-way or one hundred (100) feet of traffic control lights, that contain red or green lights that might be confused with traffic control lights.
- J. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist. The Zoning Administrator shall determine whether the intensity or brilliance causes glare or impedes vision according to performance standards, see 13.07.140.
- K. Blank on-premise temporary signs.
- L. Strings of incandescent light bulbs with wattage in excess of fifteen (15) watts per bulb that are used on commercially developed parcels for commercial purposes other than traditional holiday decorations.
- M. Signs attached to, suspended from, or painted on any motor vehicle, trailer, or other equipment in:
  - 1. Residential Districts. Signs attached to, suspended from, or painted on any motor vehicle, trailer, and other equipment, including but not limited to trucks, recreational vehicles, boats, automobiles, truck campers, travel trailers, mobile homes, motorcycles, lawn implants, implements of husbandry, etc., parked on any street or on an private or public property and which are marked to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating, or other similar purposes are prohibited.
  - 2. Non-residential Districts. All motor vehicle, trucks, trailers, and other type of equipment which have company logos or business signs attached to, suspended from, or painted thereon and which are regularly parked on the premises shall be confined to the portion of the property behind the front line of the building except while being actively loaded or unloaded, unless parking on the property behind the front line is not possible, in which event said vehicles, trailers, and equipment shall be parked in as remote a location as possible away from the public streets and public view. The parking of said vehicles with signs to augment tenant identification or to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating, or for any other purpose related to the promotion of business or other activity on the premises is prohibited.

- N. Signs, commonly referred to as wind signs, consisting of one (1) or more flags which are not otherwise exempted, pennants, ribbons, spinners, streamers, or captive balloons which are less than ten (10) square feet in their greatest dimension, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.
- O. Signs displaying copy that is harmful to minors as defined by this section.
- P. Flashing signs.

#### 13.07.060 Permitted On-Premises Temporary Signs

On-premises temporary signs are allowed throughout the City of Gallatin, subject to the restrictions imposed by this section and other relevant parts of this Article.

- A. Sign Types Allowed A temporary sign may be an on-premises wall-mounted sign, but may not be constructed of or operated by electrical, electronic, or mechanical parts. Banners are defined as being temporary signs. Temporary signs shall be non-illuminated.
- B. Sign Types Not Allowed Temporary on-premises and off-premises freestanding signs are not permitted unless otherwise permitted by this sub-section.
- C. Removal of Illegal On-Premises Temporary Signs Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal.
- D. Restrictions: On-Premises Temporary Signs Any on-premises temporary sign may display any message so long as it is:
  - 1. Not harmful to minors as defined by this sub-section;
  - 2. For the following purposes:
    - (a) To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent, or lease the property on which the sign is located.
    - (b) In non-residential districts to indicate temporary special events. Special events shall include, but are not limited to, grand openings; business closings; and special promotional events such as seasonal sales, and special product promotions. Such message may be displayed for a period not exceeding twenty-one (21) consecutive days. Only one (1) permit shall be issued for a given place of business during any three (3) month period. It is permissible to change the message displayed on the temporary special event sign during the display period authorized by the sign permit.
    - (c) In non-residential districts to indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than twenty-one (21) consecutive days or until installation of permanent signs, whichever shall occur first.

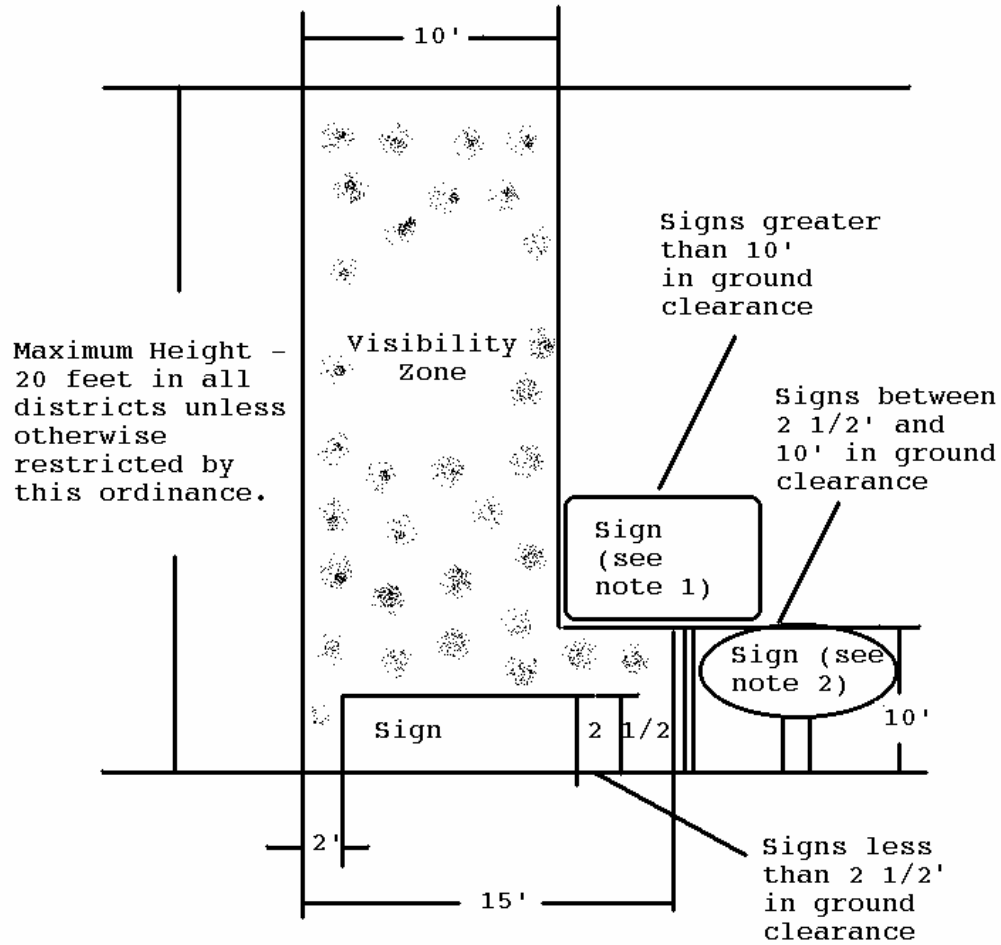
- (d) To indicate the availability of goods for sale, either on a vacant lot, or within a temporary structure, such as a tent in a non-residential district. Such message may be displayed for a period not exceeding twenty one (21) days, and not more than once a quarter on a yearly basis.

#### 13.07.070 Permanent On-Premises Signs

- A. Sign Types Allowed. A permanent on-premises sign may be permitted as a freestanding or wall-mounted sign subject to the restrictions imposed by this section and other relevant restrictions imposed by this Article.
- B. Setback and Height Restrictions. The maximum height and street setback requirements for signs in non-residential and mixed-use districts shall be as established in Figure 13-07.
- C. Guidance for the Use of Signs
  - 1. An on-premises sign is for the purpose of conveying information in clear, concise, safe, and compatible units to general motorists and pedestrians on travelways and within each site.
  - 2. On-premises wall-mounted signs shall not extend above the roof line of the structure. On-premises wall-mounted signs shall not extend above the top of the wall or parapet more than twenty-five percent (25%) of the height of such sign, to a maximum of eighteen (18) inches for a solid panel sign, or fifty percent (50%) of the height of the letter for individual mounted letters.
  - 3. No permanent on-premises freestanding sign may be located in a required rear setback.
  - 4. A single tenant or multi-tenant sign may be considered an on-premises sign when located within the boundaries of the same approved site plan authorized by this Ordinance.
  - 5. Material and Style
    - (a) Signs shall not have light reflecting backgrounds but may use light reflecting lettering.
    - (b) The various parts of a sign shall be compatible.
    - (c) Any multifaced sign shall have the same name and same message on all used faces.
    - (d) All signs shall be of standard geometric shapes.
  - 6. Illumination
    - (a) All electrical service to freestanding signs shall be placed underground. Electrical service to all other signs shall be concealed from public view.



Figure 13-07



NOTES:

1. There is a minimum 10 foot setback for signs with more than 10 feet of ground clearance in all districts which require a front setback.
2. There is a minimum 15 foot setback for signs with more than 2-1/2 feet but less than 10 feet of ground clearance in all districts require a front setback.

(b) If illuminated, signs shall be illuminated only by the following means:

- (i) A steady, stationary light of reasonable intensity in accordance with performance standards, shielded and directed solely at the sign;
- (ii) Light sources to illuminate signs shall be shielded from all adjacent buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent residential districts, in accordance with performance standards; and
- (iii) Internal illumination, steady, and stationary through translucent materials. This section includes steady, non-flashing neon lighting. (See Section 13.07.140.)

7. Maintenance. All signs shall be maintained in good condition at all times. Signs which are obsolete in information, defaced, missing some or all illumination, and whose finishes are chipping, peeling, or cracking shall be deemed in disrepair by the zoning administrator. The City shall give thirty (30) days written notice for the owner to comply with maintenance requirements. Should the owner and/or property occupant fail to comply within the prescribed period, the City may remove (or cause to be removed) the sign with the cost of removal charged to the owner.

#### 13.07.080 Permissible Number, Area, and Height of On-Premises Signs in Residential Districts

Permanent on-premises freestanding and on-premises wall-mounted signs that serve the specific function of identifying a residential development are permitted subject to the following restrictions:

- A. Each residential development containing three (3) through fifteen (15) dwelling units and approved under one (1) plat shall be permitted one (1) on-premises identification sign, with a maximum size of fifteen (15) square feet, at the development entry from a public street. The provisions of Section 13.07.080 B, items 4, 5, 6, and 7 shall apply.
- B. Each residential development containing at least sixteen (16) units and approved under one plat shall be permitted up to thirty-two (32) square feet per development entry, to a maximum of three (3), from a public street.

The on-premises signage at each development entry may be one of the following:

- 1. A double-sided sign located perpendicular to the public street and containing up to thirty-two (32) square feet for the one (1) sign face;

2. A single-sided sign located parallel to the public street and containing up to thirty-two (32) square feet for the one (1) sign face. Displaying a sign on the opposite face, if the total number permits, will be counted as one (1) additional sign;
  3. A flared wall, or similar, to which two (2) single-sided signs are attached or imbedded and each sign does not exceed sixteen (16) square feet. This includes two (2) one-sided signs located on each side of a subdivision entrance.
  4. The leading edge or face of the sign or any building or other structure to which the sign is attached must be set back from the public right-of-way a minimum of fifteen (15) feet;
  5. No residential identification sign may exceed six (6) feet in height;
  6. All residential identification signs may be illuminated by direct and steady means only.
  7. Each residential identification sign shall be maintained perpetually by the developer, sign owner, owner's association, or some other person who is legally accountable under an approved maintenance agreement. Signs that are not maintained shall be removed by the developer or owner.
- C. One flat mounted wall-mounted sign of a maximum of thirty-two (32) square feet in area, for each street frontage, may be placed on the street facing facade of a building that contains a minimum of sixteen (16) dwelling units, provided that it is:
1. Illuminated by direct and steady means only; and
  2. Does not extend more than six (6) inches from the facade of the building.

#### 13.07.090 Community Facility On-Premises Signs

- A. Signs for Community Facilities located in Residential Districts shall conform to the following provisions:

Each service/institution/public facility shall be permitted one (1) on-premise sign. The sign shall not exceed sixty (60) square feet in area, equally divided between not more than two (2) sign faces.

The maximum height of a freestanding sign shall be eight (8) feet. The minimum street setback shall be fifteen (15) feet. The sign shall not encroach required side setbacks of the district and only one such ground sign shall be permitted per street frontage.

- B. All Other Districts Community Facilities shall be permitted the signage of the district occupied by the facility.

13.07.100 Permissible Number, Area, Spacing, and Height of On-Premises Signs in the Non-Residential Districts

- A. Freestanding and Wall-Mounted Signage for Commercial Developments. The following standards apply to the signage permitted in non-residential districts other than GO, MRO, MU, PBP, OR, MUG, MUL, MPO, CC, IG, or IR:

1. Freestanding Signs: One (1) freestanding sign shall be permitted along a public right-of-way for any commercial development whether the development has a single or multiple occupant(s). In no case, however, shall more than two freestanding identification signs be permitted for any development regardless of the number of roadways which front the development.

The face of any one sign shall be less than or equal to one (1) square foot per linear foot of street frontage, but in no case shall a single sign face exceed two hundred fifty (250) square feet. All permitted signs shall not have more than an aggregate of three hundred fifty (350) square feet per lot.

2. Wall-Mounted Signs: In all commercial developments, whether the development has a single or multiple occupant(s), each independent business or use having an outside public entrance may have wall-mounted signage in an amount equal to one (1) square foot per one (1) linear foot of the front face of the business. Each retail use or office use, or multiple retail and office uses sharing a common entrance, shall be allowed to have at least one (1) wall sign not to exceed thirty (30) square feet. In no case shall signage for any one (1) facade be greater than one hundred eighty (180) square feet.

In buildings where multiple retail or office uses share a common outside public entrance and have individual inside public entrances, one (1) additional wall sign not exceeding forty (40) square feet may be allowed for building identification.

- B. Freestanding and Wall-Mounted Signage for Mixed Use and Office Developments. The following standards apply to the signage permitted in the OR, MUG, MUL, MPO, GO, MRO and MU districts:

1. Freestanding Signs: One freestanding sign shall be permitted along a public right-of-way for mixed use and/or office developments whether the development has a single or multiple occupant(s). In no case, however, shall more than two freestanding identifications signs be permitted for any development regardless of the number of roadways on which the development has frontage.

The face of any one sign shall be less than or equal to one (1) square foot per one (1) linear foot of street frontage, but in no case shall a single sign face exceed one hundred twenty (120) square feet. All permitted freestanding signs shall not have an aggregate of two hundred (200) square feet.

2. Wall-Mounted Signs: In all mixed use and/or office developments, whether the development has a single or multiple occupant(s), each independent business or use having an outside public entrance may have wall-mounted signage in an amount equal to one (1) square foot per one (1) linear foot of the front face of the business. Each retail or office use, or a common entrance shared by multiple retail and office uses, shall be allowed to have at least one (1) wall sign not to exceed thirty (30) square feet. In no case shall signage for any one facade be greater than one hundred twenty (120) square feet.

In buildings where multiple retail or office uses share a common outside public entrance and have individual inside public entrances, one additional wall sign not exceeding forty (40) square feet may be allowed for building identification.

- C. Freestanding and Wall-Mounted Signs for Planned Business and Industrial Developments: The following standards apply to the signage permitted in Planned Business Park (PBP), Industrial Restrictive (IR) and Industrial General (IG) districts:

1. Freestanding Signs: One freestanding sign shall be permitted along a public right-of-way for any planned business or industrial development, whether the development has a single or multiple occupant(s). In no case, however, shall more than two freestanding identification signs be permitted for any development, regardless of the number of roadways on which the development has frontage.

The face of any one sign shall be less than or equal to one (1) square foot per one (1) linear foot of street frontage, but in no case shall a single sign face exceed two hundred (200) square feet. All permitted freestanding signs shall not have more than an aggregate of three hundred (300) square feet.

2. Wall-Mounted Signs: In all planned business and industrial developments, whether the development has a single or multiple occupant(s), each independent business or use having an outside public entrance may have wall-mounted signage in an amount equal to one (1) square foot per one (1) linear foot of the front face of the business. Each business or tenant, or a common entrance shared by multiple businesses or tenants, shall be allowed to have at least one (1) wall sign not to exceed thirty (30) square feet. In no case shall signage for any one facade be greater than one hundred fifty (150) square feet.

In buildings where multiple businesses or tenants share a common outside public entrance and have individual inside public entrances, one additional wall sign not exceeding forty (40) square feet may be allowed for building identification.

### 13.07.110 Permissible Number, Area, Spacing, and Height of Signs in the CC District

- A. Wall-Mounted Signs: Each retail or office use in a CC district shall be permitted one (1) square foot of wall signage per linear foot of the front face of the building. Notwithstanding the provisions of this section, each use or multiple uses sharing a common entrance shall be allowed to have at least one (1) wall sign not to exceed twenty-four (24) square feet, with the limitation that no individual wall sign shall exceed one hundred eighty (180) square feet. The maximum height of an on-premises wall sign shall be the roofline of the building. Signs shall be mounted in a flat fashion.
- B. Freestanding Signs: In addition, each retail or office use in a CC district shall be permitted one (1) square foot of on-premises ground sign per linear foot of the front face of the building. Notwithstanding the provisions of this section, each use or multiple uses sharing a common entrance shall be allowed to have at least one (1) on-premises ground sign not to exceed twenty-four (24) square feet, with the maximum display surface area not to exceed forty-eight (48) square feet. On-premises freestanding signs shall be restricted to one (1) sign which is an integral part of an entrance feature or one monument type sign per street frontage. The maximum height permitted for a monument sign shall be eight (8) feet above grade. In no event shall the on-premises freestanding sign be erected in or on a public right-of-way.

### 13.07.120 Billboards

- A. Definition: For purposes of this Section, a billboard is defined an off-premises sign that is affixed to or erected upon a freestanding framework that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- B. Districts Permitting Billboards: Billboards are permitted in the IR and IG districts subject to the provisions of this Article.
- C. Regulations: Billboards are permitted in addition to other signs authorized by this section, subject to the following restrictions:
  - 1. There shall be two (2) types of billboards based on the display surface area of any one side of the billboard:
    - (a) Type I with a display surface area of seventy-five (75) square feet or less; and,
    - (b) Type II with a display surface area of more than seventy-five (75) square feet and less than two hundred (200) square feet.
  - 2. A billboard face shall consist of a single panel. Multiple panel faces, such as stacked or side-by-side, are not permitted.

3. Proposed billboard signs shall be set back from existing public or private rights-of way and/or property lines in accordance with:

	Type I	Type II
Front Yard	20 feet	30 feet
Rear Yard	20 feet	30 feet
Side Yard	10 feet	15 feet

4. The bottom edge of the display surface area of all billboards shall be a minimum of ten (10) feet above grade, with a maximum height of twenty (20) feet, whether at the base of the billboard or the nearest curb level of the surface street to which the billboard is oriented, whichever provides the greatest height. There is established a maximum height limit of twenty (20) feet above grade whether at the base of the billboard or the nearest curb level of the surface street to which the billboard is oriented, whichever provides the greatest height.
5. Spacing between billboards located on the same side of a public street or controlled access highway shall be as indicated in the following table:

	Type I (free standing)	Type II (free standing)
Type I (free standing)	1,000 feet	1,000 feet
Type II (free standing)	1,000 feet	1,000 feet

Note: The spacing between any Type I (freestanding) or Type II (freestanding) billboard and an existing Type II (wall mounted) billboard shall be one thousand (1,000) feet.

- (a) The spacing requirements shall be applied separately to each side of a public street but continuously along the side of a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting side street.
- (b) No billboard shall be closer than four hundred fifty (450) feet from any other billboard regardless of location.
- (c) Type I billboards shall not be located within twenty (20) feet of an on-premises freestanding sign on the same lot.
6. No Type II billboard located along a particular street shall be closer than five hundred (500) feet from the nearest property line of any property that is zoned residential and has frontage on either side of said street. The distance for Type I billboards shall be two hundred fifty (250) feet.

7. No billboard located along a particular street shall be closer than two hundred fifty (250) feet from the nearest property line of any property zoned residential that does not front on said street.
8. No billboard shall be permitted whenever property zoned residential would be between the billboard and the roadway toward which it is oriented.
9. Type II billboards shall be located on lots that have frontage on a public street with four (4) or more travel lanes or that are located within three hundred (300) feet and oriented to a limited access highway. Paired one-way streets with a minimum of two (2) travel lanes in each direction shall be considered a four (4)-lane road in applying this provision.
10. All billboards shall be of monopole type construction. No billboards shall be attached to the walls of buildings. No billboards shall be located on the roofs of buildings.
11. The brightness and surface illumination shall not exceed two hundred (200) foot lamberts for a billboard having internal illumination or seventy-five (75) foot candles for a billboard having indirect illumination. Billboards located within five hundred (500) feet of property zoned residential shall not be illuminated between the hours of twelve a.m. and six a.m.

#### 13.07.130 Awnings

In all districts, non-illuminated signs may be displayed on awnings with a display surface area (lettering) not exceeding six (6) square feet and with the height of letters not exceeding one (1) foot, provided that such signs shall be limited to identification of the name and/or address of the buildings or establishment contained therein and such awning may not extend to within two feet of any public vehicular travel way.

#### 13.07.140 Performance Standards Regulating Glare and Illuminated Sign Brightness

##### A. Definitions

Foot Candle: a unit of illumination. Technically, the illumination at all points one (1) foot distance from a uniform point source of one (1) candlepower.

##### B. Limitation of Glare

In all districts, any operation or activity, including signage, producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in a residential district.



C. Illuminated Sign Brightness

The brightness and surface illumination of all illuminated signs shall not exceed the provisions below in the district indicated:

Luminous Background

150 Foot-Lamberts

200 Foot-Lamberts

Indirect Illumination

50 Foot Candles

75 Foot Candles

Districts

PNC, MRO, MUG, MUL,  
CSL, OR, MPO  
CG, CS, PGC, GO, PBP,  
IR, IG

## **13.08 Architectural Character and Compatibility Standards**

### **13.08.010 Basic Design Criteria**

- A. Materials--To ensure a consistent and high quality design standard throughout the City, in all districts with the exception of A, R-40, R-20, R-15, R-10, R-8, and IG, stone and/or brick materials shall be used as the predominant (minimum 70%) exterior facade materials in all developments. Concrete block, split face block, other related concrete-masonry block materials, and/or manufactured/pre-cast panels are not considered stone or brick materials and their use is prohibited.

In the A, R-40, R-20, R-15, R-10, R-8, districts, any use and building, other than single family detached residential units, shall use brick and/or stone materials as the predominant (minimum 65%) exterior facade materials. One-family detached dwelling units shall be exempt from this requirement unless otherwise specified in Section 13.08.010.E.

- B. Compatibility with Adjacent Buildings - In most cases, buildings are not viewed in isolation, but rather in the context of other buildings. To this end, the following criteria are required:
1. Building forms shall be tailored to fit within the existing topography and site features as much as possible.
  2. While architectural styles may vary, buildings of a proposed development shall be compatible with surrounding buildings (within the site and with adjacent properties) with regard to massing, scale, proportion of openings, roof types, types of glazed openings, and degree of detail.
  3. The use of materials and colors compatible with buildings adjacent to a site is required.
- C. Adapting Prototypical Designs to Particular Sites: National standard designs shall be adapted to reflect the specific site context within the City by careful siting, use of compatible materials, and landscaping of the site so that it blends with its surroundings.
- D. Alternative Plan Approval: Upon the request of any owner of property to which this Section applies, the Planning Commission may approve an alternative plan which is not in strict compliance with the requirements of this Section, if the Commission finds that such alternative plan meets the purpose and intent of the requirements of this section and the alternative architectural plan and materials are clearly superior to a plan that would be in strict compliance with this Section. In making the determination, the Commission may consider the materials, design, color, and other natural or man-made elements which could impact a proposal's conformance to these standards.

E. Residential Infill Development Design Standards: To ensure the conservation and protection of established housing and residential neighborhoods in the City of Gallatin, the Planning Commission may establish architectural character and compatibility standards as a prerequisite of approval of any sketch, preliminary, or final plat for residential developments containing one-family detached dwelling units that are determined by the Planning Commission to be classified as an infill development. For the purposes of this section, an infill development shall be defined as follows:

1. Any proposed residential development involving the resubdivision of an existing lot or lots of record, which are also a lot or lots in a subdivision recorded in the office of the County Register of Deeds, into a major subdivision containing five (5) or more lots as defined by the Gallatin Municipal-Regional Planning Commission.
2. Any proposed residential development that is located adjacent to, or across a local or collector street from, existing residential neighborhoods. For the purposes of this section, a residential neighborhood shall be deemed “existing” if it has been platted and recorded for a period of ten years or more and is more than sixty (60) percent built out.

Architectural character and compatibility standards established by the Planning Commission may more restrictive than district and/or supplementary regulations and may include, standards regulating building materials, size, scale, proportion of openings, roof types, and degree of architectural detail to which new buildings or structures shall be constructed in order to ensure that the new construction will be compatible with the established character of existing residential neighborhoods.

The establishment of architectural character and compatibility standards shall be based on a determination by the Planning Commission that a proposed development is classified as an infill development and it has been determined that establishment of such standards is necessary to promote and protect the health, safety, morals, general welfare and character of existing residential neighborhoods in the City of Gallatin. The decision of the Planning Commission to establish architectural character and compatibility standards may be appealed to the City Council upon the request of any owner of property to which this Section applies.

### **13.09 Pedestrian and Bicycle Path Standards**

#### **13.09.010 Purpose and Intent**

The purpose of this section is to provide for the health, safety and welfare of the citizens of Gallatin by requiring the construction of pedestrian and bicycle access ways in new residential and commercial developments in order to:

- (1) maximize pedestrian safety and make pedestrian travel a more attractive alternative;
- (2) provide a safer environment for pedestrians by separating pedestrian and vehicular traffic;
- (3) provide a bicycle route system throughout the City of Gallatin; and
- (4) improve the aesthetics and connectivity of neighborhoods within the City of Gallatin.

#### **13.09.020 Applicability**

The provision of safe and convenient pedestrian access shall be incorporated into all new developments in residential zones R-6, R-8, R-10, R-15, R-20 and PRD, in mixed-use zones MRO, MU, GO and OR and in commercial zones CS, CG, CC, PGC, PNC and PBP. Such pedestrian systems may include conventional sidewalks or alternative walkways and new trails, as approved by the Gallatin Municipal Regional Planning Commission. New construction should be completed with consideration of pedestrian safety, handicapped access and visual quality.

#### **13.09.030 Sidewalks**

- A. Residential and Mixed Use Developments: Sidewalks shall be required for all residential and mixed-use site plans with the exception of those developments that received final site plan approval prior to the enactment of this Pedestrian and Bicycle Path Ordinance.
- B. Commercial Developments: Sidewalks shall be required for all commercial site plans with the exception of those commercial subdivisions that received site plan approval prior to the enactment of this Pedestrian and Bicycle Path Ordinance.
- C. Design Standards: The design, dimensions, dedications, easements, and reservations for all sidewalks shall conform to all applicable City of Gallatin regulations. Sidewalks constructed within the public rights-of-way shall be installed in accordance with the adopted standards of the City of Gallatin.
  1. Sidewalks are required to be constructed along all streets within or abutting a development and shall connect to sidewalks in adjoining developments.

2. Sidewalks shall be constructed of concrete and shall be a minimum of five (5) feet in width on all streets for residential site plans and developments, and six (6) feet in width for non-residential site plans and developments.
  3. Sidewalks shall maintain minimum thickness of four (4) inches except at driveway areas where the minimum thickness is six (6) inches.
  4. Along streets where concrete curbs are required, a median strip of grassed or landscaped area of at least five (5) feet wide shall be provided between the curb and sidewalk.
  5. Upon the request of any owner of property to which this section applies, the Planning Commission may approve an alternative pedestrian walkway design which is not in strict compliance with the requirements of this Section, if the Commission finds that such an alternative meets the purpose and intent of the requirements of this Section. In making the determination the Commission may consider issues such as impeding road construction, significant trees, severe roadside conditions, or recommendations from approved traffic studies that could impact a proposals conformance to these standards.
- D. Internal Sidewalk Network Requirements: A continuous internal sidewalk network shall be provided in all commercial developments to connect all building entryways and exits to parking areas and shall conform to all applicable City of Gallatin regulations and be improved as required by the City Engineer.
- E. Permit Requirements: Unless otherwise provided for in a permit issued for other construction work, a permit from the City of Gallatin Public Works Department shall be required for the original construction or any replacement or reconstruction of a sidewalk, or portion thereof.
- F. Bond Requirements: In any case where the reconstruction or construction of a sidewalk or other pedestrian walkway is required, the City of Gallatin may require the contractor to secure a bond for the construction of the sidewalk or walkway.
- G. Maintenance of Sidewalks: It shall be the duty of all owners of property abutting or adjacent to any sidewalk, whether such sidewalk is in a public right-of-way, or subject to public easement, to maintain such sidewalks in good repair.
- H. Completion of Required Sidewalk Improvements: The required sidewalk improvements must be installed prior to the final inspection for a building permit for residential developments and prior to the issuance of a Certificate of Occupancy for non-residential developments.

13.09.040      Alternate Pedestrian Walkway Systems, Bicycle Lanes and Paths

The Planning Commission may require or approve an alternate pedestrian walkway system or bicycle paths for a given development. Alternative pedestrian walkways and bikeways may include walking trails, multi-use trails, bicycle lanes, or bicycle paths.

A.    Design Standards

1.    Bicycle lanes and paths where required by the Planning Commission, shall be improved as required by the City Engineer and shall be a designed portion of the roadway included within the dedicated street right-of-way.
2.    Bicycle lanes shall be designed according to the latest edition of the American Association of State Highway and Transportation Official (AASHTO) Guide for the Development of Bicycle Facilities.
3.    Alternate pedestrian walkways, bikeways, and multi-use trails may be considered internal to the development and are not restricted to alongside streets. These facilities must conform to all applicable City of Gallatin regulations and improved as required by the City Engineer.

- B.    Access to Nearby Public Facilities: The Planning Commission may require, in order to facilitate pedestrian and bicycle access from developments and roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed public access easements at least twenty (20) feet in width. Access easements shall be indicated on the site plan.

### **13.10 Grading Standards**

#### **13.10.010 Purpose**

The purpose and intent of this ordinance is to promote the health, safety and public welfare of the inhabitants of the City of Gallatin and the Planning Region; to improve surface drainage in the City of Gallatin; to ensure that activities in one area do not adversely affect activities within adjacent areas; to limit land clearing and alteration of natural topography prior to development review; to protect water quality throughout the City; to promote land development and site planning practices that are responsive to the City's character without preventing the reasonable development of land; and, to prevent overload of existing drainage facilities.

#### **13.10.020 Applicability**

The provisions of this section shall apply to all new developments on each lot, site or common development which has not received final plat approval, final site plan approval or a building permit prior to the effective date of this ordinance. No person shall undertake land clearing or grading activities of an area greater than one (1) acre or change the elevation of a property without first obtaining a grading permit from the City Engineer; provided, however, that no permit shall be required incidental to construction on a parcel of land for the purpose of constructing a one-family detached dwelling or an addition to an existing one-family detached dwelling; accessory buildings; routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants and/or to contain noxious weeds; or, agricultural land management activities.

#### **13.10.030 Definitions**

The following definitions shall be used for terms contained within this article:

- A. Clearing: Removal or causing to be removed, through either direct or indirect actions, trees, shrubs and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.
- B. Cross-drain: A culvert used to convey flow under a road or other obstruction between channels or surface flow.
- C. Culvert: A man-made conveyance of stormwater flows. This may include a pipe or other constructed conveyance.
- D. Cut: Portion of land surface area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.

- E. Detention: The temporary delay of storm runoff prior to discharge into receiving waters.
- F. Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials [as defined as materials of like nature stored in whole or in part for more than six (6) months].
- G. Erosion: The disintegration or wearing away of soil by the action of water in the form of flowing water or precipitation impact.
- H. Excavation: See “Cut”
- I. Existing Grade: The slope or elevation of existing ground surface prior to cutting or filling.
- J. Filling: The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.
- K. Finished Grade: The final slope or elevation of the ground surface, after cutting or filling.
- L. Grading: Any excavating, filling, clearing, or the creation of impervious surface, or any combination hereof, which alters the existing surface of the land.
- M. Grading Permit: A special permit issued by the City Engineer authorizing land clearing and grading activities in the City of Gallatin and the Planning Region.
- N. Impervious Surface: A term applied to any ground or structural surface that water cannot penetrate or through which water penetrates with great difficulty.
- O. Natural Ground Surface: The ground surface in its original state before any grading, excavating, or filling.
- P. Retention: The prevention of storm runoff from direct discharge into receiving waters.
- Q. Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.
- R. Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or ratio.
- S. Subsoil: The layer of soil just below the surface of the ground.
- T. Topsoil: The original upper layer of soil material to a depth of six (6) inches that is usually darker and richer than the subsoil.

#### 13.10.040 General Standards

##### A. Grading Permits

Before commencing the site grading upon any site for which a permit is required by this Section and before commencing any excavation or fill for the purpose of construction, reconstruction, alteration, or extension of any building or other structure which is located or to be located upon such site, the owner or his agent shall receive approval for grading and/or building permits as required by the City of Gallatin Zoning Ordinance.



A grading permit will be issued by the City Engineer upon approval of a grading, drainage, and erosion control plan. This permit is required for any grading activity on a site which meets the criteria of Section 13.10.020 of this article. A grading permit is not required if a building permit has been issued.

B. Process and Requirements

The grading plan for any lot shall include the following basic information:

1. Three (3) sets of plans on a scale no less than 1" = 100' (one inch = one hundred feet).
2. Existing and proposed site contours of an interval no greater than five (5) feet.
3. Existing and proposed buildings on the property (including floor elevations).
4. Existing and proposed drainage structures on, and in the immediate vicinity of, the property. Must include size, type, slope and invert elevations of the structures.
5. Submit drainage and runoff calculations (including drainage area worksheet) and temporary sediment/detention pond design as required by the City Engineer. Calculation should be for pipes and ditches as well as areas where the runoff sheet flows.
6. Existing and proposed paving on the property (including parking and roadway improvements).
7. Erosion and sediment control measures to be implemented prior to construction (i.e. straw bales, silt fence, etc.). Plans shall include details on erosion control structures, spillway designs, types of sediment traps, pipe sizes, outlet lengths, etc.

13.10.050 Enforcement

If any person, company, or facility shall violate the provisions of this ordinance, the City Engineer, or his designee, may give notice to the owner or to a person in possession of the subject property, ordering that all unlawful conditions existing thereupon be abated within a schedule defined from the date of such notice. The City of Gallatin may take any or all of the enforcement actions prescribed in this Zoning Ordinance to ensure compliance with, and/or remedy a violation of this ordinance. The City Engineer may post the site with a Stop Work Order directing that all grading activities not authorized under a grading permit and/or building permit shall cease immediately. The issuance of a Stop Work Order may include remediation or other requirements, which must be met before grading activities may resume. Further, the City Engineer may require submission of a grading plan, drainage calculations, and review of the site conditions prior to the continuation of grading activities.

13.10.060 Severability

If a court of competent jurisdiction holds any provision of this ordinance invalid, the remainder of the ordinance shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the City of Gallatin's Zoning Ordinance.

## ARTICLE 13.00 AMENDMENTS

<b>Section</b>	<b>Ordinance #</b>	<b>Date</b>
13.04.060.F.5	O0009-066	10/17/00
13.04.060.G, Table 13-05	O0009-067	10/17/00
13.07	O0308-030	09/19/03
13.07.100.A.1	O9810-059	10/20/98
13.08.010.A	O0511-077	11/15/05
13.08.010.E	O0511-077	11/15/05
13.09	O0004-028	05/16/00
13.10	O0408-047	09/07/04